

1 John G. Schultz
 2 Leavy, Schultz, Davis & Fearing, P.S.
 3 2415 West Falls Avenue
 4 Kennewick, WA 99336
 5 (509) 736-1330
 6
 7
 8

9 UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 KEYSTONE FRUIT MARKETING,)
 12 INC., and BOB N. EVANS,)
 13 Plaintiffs,)

14 vs.)

15 WILLIAM G. BROWNFIELD; JANET)
 16 H. BROWNFIELD; and JANET M.)
 17 CLAYTON:)

18 Defendants and Third-Party)
 19 Complainants,)

20 vs.)

21 WALLA WALLA RIVER KEYSTONE,)
 22 LLC, a Pennsylvania Limited Liability)
 23 Company; WALLA WALLA RIVER)
 24 FARMS, LLC, a Washington)
 25 Limited Liability Company;)

Third Party Defendants.)

NO. CV-05-5087-RHW

BROWNFIELD S ~~PROPOSED~~
PROTECTIVE ORDER

26 THIS protective order is based on FRCP 26(c), the Court s ruling during a telephone hearing on
 27 May 4, 2006 (Transcript, Ct.Rec. 193), the court s subsequent order dated May 9, 2006 (Ct. Rec. 188),
 28

1 and the motion for protective order filed by Keystone Fruit Marketing, Inc. (KFM).

2 For good cause shown, the Court orders as follows:

3 1. Information subject to this protective order consists of (a) Company-wide income and
4 income detail of KFM; (b) Receipts, invoices and other documentation of company-wide income detail of
5 KFM; (c) Computations of William G. Brownfield s bonus compensation as an employee of KFM that
6 disclose company-wide income of income detail of KFM.
7

8 2. This protective order does not apply to Northwest Office income or expense detail of
9 KFM. The parties acknowledge that Northwest Office income and expense detail of KFM gas already
10 been produced, and it will be reviewed by Dan Harper, the accountant for the Brownfields.
11

12 3. The information subject to this protective order shall only be disclosed to (a) John G.
13 Schultz, the attorney for the Brownfields; (b) Any employees of the firm of Leavy Schultz Davis &
14 Fearing, P.S., who reasonably need access to the information on condition that they sign the Agreement
15 to be Bound by Protective Order as attached as Exhibit A; (c) Dan Harper, the Brownfields accountant,
16 on condition that he signs the attached Agreement to be Bound by Protective Order ; and (d) Any
17 employees of Dan Harper or Harper Incorporated who reasonably need access to the information on
18 condition that they sign the attached Agreement to be Bound by Protective Order. That the financial
19 information disclosed pursuant to this Order is not to be delivered to William G. Brownfield but may be
20 discussed with him to the extent necessary for Dan Harper or Harper Incorporated to understand the
21 business of KFM; it is not to be revealed to any other person, firm or corporation other than as permitted
22 herein.
23

24 4. KFM shall deliver company-wide income detail of KFM for Fiscal Years 2002, 2003, 2004
25 and 2005 to John G. Schultz. The income detail shall be produced on compact disks (CDs) in Famous
26 software report-viewer format. It shall be mailed or delivered to the office of Leavy, Schultz, Davis &
27
28

1 Fearing, P.S., within a five (5) days time after receipt of a signed copy of this order.

2 5. Upon request, KFM shall deliver a reasonable number of copies of receipts, invoices and
3 other documentation of company-wide income detail of KFM for Fiscal years 2002, 2003, 2004, and
4 2005 to John G. Schultz.
5

6 6. Information subject to this protective order shall not be used for any purposes other than
7 this lawsuit.

8 7. Information subject to this protective order shall not be downloaded, copied, or stored to
9 any computer unless access is limited to person(s) who have signed the attached Agreement to be Bound
10 by Protective Order and unless access is protected by a secure password.
11

12 8. Information subject to this protective order shall not be downloaded, copied or stored on
13 computer or removable computer media unless the computer or media is kept in a secure location to
14 preserve confidentiality.

15 9. Information subject to this protective order shall not be printed out or incorporated into
16 any tangible document unless each page is stamped CONFIDENTIAL and unless the document is kept
17 in a secure location to preserve confidentiality.
18

19 10. Information subject to this protective order shall not be filed with the Court unless it is
20 filed under seal.

21 11. Within thirty (30) days of the conclusion of trial and any appeals, or upon any other
22 termination of this litigation, all information subject to this protective order shall be returned to counsel
23 for KFM without retaining a copy. All such information stored on computer shall be permanently erased.
24

25 Signed this 31st day of August, 2006.

26 U.S. DISTRICT COURT
27
28

1 By: Hon. Robert H. Whaley, Judge
2
3
4
5

6 CERTIFICATE OF SERVICE

7 I hereby certify that on July 24, 2006, I electronically filed the above document with the Clerk of
8 the Court using the CM/ECF System which will send notification of such filing to the following: George
9 M. Ahrend, Attorney for Keystone Fruit Marketing, Inc.; and David Groesbeck, associated counsel for
10 Plaintiffs Keystone and Evans; and John W. Lohrmann, Attorney for Janet M. Clayton.
11

12 DATED this 24th day of July, 2006.

13 s\ John G. Schultz

14 John G. Schultz, WSBA # 776

15 Attorney for WILLIAM G. BROWNFIELD and JANET H.
16 BROWNFIELD

17 Leavy, Schultz, Davis & Fearing, P.S.

18 2415 West Falls Avenue, Kennewick WA 99336

19 Phone: (509) 736-1330

20 Fax: (509) 736-1580

21 jschultz@tricitylaw.com
22
23
24
25
26
27
28